

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEFFREY GRANT (10-A-3126),
Plaintiff,

v.

C.O. S. DAVIS, et al.,

Defendants.

DECISION AND
ORDER
11-CV-1012(A)(M)

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On August 22, 2014, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 19), recommending that the defendants' motion (Dkt. No. 10) for partial dismissal of plaintiff's Complaint be granted in part and denied in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motion (Dkt. No. 10) for partial dismissal of the Complaint be granted to the extent of dismissing plaintiff's official capacity claims, but otherwise be denied.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

IT IS SO ORDERED.

_____*Richard J. Arcara*_____
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: September 17, 2014